

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Chelsea J. Kline,)	CASE NO. 1:08 CV 2284
)	
Plaintiff,)	JUDGE PATRICIA A. GAUGHAN
)	
Vs.)	
)	
Michael J. Astrue,)	<u>Memorandum of Opinion and Order</u>
Commissioner of Social Security,)	
)	
Defendant.)	

INTRODUCTION

This matter is before the Court upon the Report and Recommended Decision of Magistrate Judge David S. Perelman recommending that attorneys' fees be awarded in the amount of \$8,192.50. This is in addition to the \$5,450.00 previously awarded to plaintiff pursuant to the Equal Access to Justice Act. This is less than the fees requested by plaintiff's counsel. No objections were filed.

ANALYSIS

When objections are made to a Magistrate Judge's Report and Recommendation, the district court reviews the case *de novo*. Federal Rule of Civil Procedure 72(b) provides in

pertinent part:

The district judge to whom the case is assigned shall make a *de novo* determination upon the record, or after additional evidence, of any portion of the magistrate judge's disposition to which specific written objection has been made in accordance with this rule. The district judge may accept, reject, or modify the recommended decision, receive further evidence, or recommit the matter to the magistrate judge with instructions.

As stated in the Advisory Committee Notes, "When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." In *Thomas v. Arn*, 474 U.S. 140, 150 (1985), the Court held, "It does not appear that Congress intended to require district court review of a magistrate judge's factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings."

Having reviewed the Report and Recommended Decision, and finding no clear error, the Court hereby ACCEPTS the Report and Recommended Decision and adopts it herein by reference.

CONCLUSION

For the reasons stated in the Report and Recommended Decision, the Court hereby awards attorneys' fees in the amount of \$8,192.50.

IT IS SO ORDERED.

Dated: 11/4/10

/s/ Patricia A. Gaughan
PATRICIA A. GAUGHAN
United States District Judge